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9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
12) No. CR 11-00667 SBA
13 Plaintiff,)
14) STIPULATION AND ORDER
15) CONTINUING CHANGE OF PLEA
16) AND SENTENCING DATE;
17 ERIC KAON NEAL,) EXCLUSION OF TIME
18)
19 Defendant.)
20 _____

21 **STIPULATION**
22
23 IT IS HEREBY STIPULATED, by and between the parties to this action, that the change of
24 plea and sentencing date in this case with respect to Eric Neal, currently scheduled for Friday,
25 January 27, 2012, at 10:00 a.m., before Honorable Saundra Brown Armstrong, may be continued to
26 Wednesday, February 8, 2012, at 10:00 a.m. for change of plea and sentencing. The reason for the
requested continuance is that defense counsel will be in trial starting January 23, 2012, which is
scheduled to continue through Friday, January 27, 2012.

1 IT IS FURTHER STIPULATED that the time between January 27, 2012, and February 8,
2 2012, may be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
3 3161(h)(1)(G) and 3161(h)(7)(B)(iv) while the Court continues to consider the plea agreement
4 provided to it and for continuity of counsel so defense counsel can be present during the change of
5 plea and sentencing.
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7 Counsel has spoken to United States Probation Officer Catheryn Grier who has no objection to
8 the requested continuance and is available on February 8, 2012, should the Court continue the
9 change of plea and sentencing to that date.
10

11 DATED: 1/17/12

12 /s/
13 JOYCE LEAVITT
14 Assistant Federal Public Defender
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16 DATED: 1/17/12

17 /s/
18 JAMES C. MANN
19 Assistant United States Attorney
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21 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
22 conformed signature (/s/) within this e-filed document.
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ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the change of plea and sentencing in this case, with respect to Eric Neal, currently scheduled for Friday, January 27, 2012, at 10:00 a.m., before Honorable Saundra Brown Armstrong, is hereby continued to Wednesday, February 8, 2012, at 10:00 a.m. for change of plea and sentencing.

IT IS FURTHER ORDERED that the time between January 27, 2012, and February 8, 2012, may be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(G) and 3161(h)(7)(B)(iv) while the Court continues to consider the plea agreement provided to it and for continuity of counsel so defense counsel can be present during the change of plea and sentencing. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED: 1/19/12

HON. SAUNDRA BROWN ARMSTRONG
United States District Judge